

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

CASE NO. 4:19cv420-RH-CAS

CAMBRIDGE CAPITAL GROUP
ADVISORS, LLC, etc., et al.,

Defendants.

_____ /

ORDER DENYING DISQUALIFICATION

This is a civil action. The Securities and Exchange Commission has sued Don Warner Reinhard and others, alleging securities fraud. Mr. Reinhard was the defendant in a criminal case over which I presided. He has moved to disqualify me as the judge in this new civil action. This order denies the motion.

That a judge has presided over other cases involving a party is not, without more, a basis for disqualification. Mr. Reinhard does not allege it is. He says, though, that I made a comment on the record of the prior case that showed bias. The comment, which Mr. Reinhard has reported inaccurately, did not show bias,

even as he has reported it. The comment did show a disagreement with Mr. Reinhard's prior legal position. But disagreeing with a party's position in another case—like disagreeing with a party's position in a current case—is not a basis for disqualification.

Under the statute governing judicial disqualification, 28 U.S.C. § 455, bias requiring disqualification “must arise from an extrajudicial source, except in the rare case ‘where such pervasive bias and prejudice is shown by otherwise judicial conduct as would constitute bias against a party.’ ” *Giles v. Garwood*, 853 F.2d 876, 878 (11th Cir. 1988) (quoting *Davis v. Bd. of Sch. Comm'rs*, 517 F.2d 1044, 1052 (5th Cir. 1975)). Unless a defendant can show pervasive bias, “a judge's rulings in the same or a related case are not a sufficient basis for recusal.” *Bolin v. Story*, 225 F.3d 1234, 1239 (11th Cir. 2000).

Judges often, indeed almost always, disagree with the position of one side or the other. Sometimes both. If disagreeing with a party's position was sufficient to require disqualification, a district judge would rarely be able to finish a case. And if disagreeing with a party's position in a prior case was sufficient to require disqualification, a district like this one, with a small number of judges in total and fewer in each division, would soon run out of available judges to preside over cases with parties who have been involved in prior cases.

The bottom line: I have no bias for or against Mr. Reinhard and will preside over his case as I would over the case of any other litigant. No reasonable observer would conclude otherwise.

IT IS ORDERED:

The motion to disqualify, ECF No. 14, is denied.

SO ORDERED on October 23, 2019.

s/Robert L. Hinkle

United States District Judge